

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

PRINCETON OPHTHALMIC, LLC,

Plaintiff,

v.

CORINTHIAN OPHTHALMIC, Inc., et al.,

Defendants.

Civil Action No.: 14-cv-05485 (PGS)

ORDER

Whereas Defendants Corinthian Ophthalmic, Inc.; Skip Ballou; Sean Ianchulev; Dr. Mark Packer; and Eyenovia, Inc. (collectively, “Defendants”) filed this Motion for Reconsideration pursuant Federal Rule of Civil Procedure 60(a). (ECF No. 103). Specifically, Defendants seek for the Court to reconsider denial of its Motion for Summary Judgment of Plaintiff Princeton Ophthalmic, LLC’s Amended Complaint as it pertains to the claims against Defendants Eyenovia, Inc., Sean Ianchulev, and Dr. Mark Packer. Plaintiff’s Amended Complaint alleges securities fraud based on alleged misrepresentations made by Defendants concerning the status of the WHISPER™ device. (ECF No. 35).

Whereas the Court heard oral argument on Plaintiff’s Second Motion for Partial Summary Judgment (ECF No. 85) and Defendant’s Motion for Summary Judgment (ECF No. 86) on June 27, 2017. (ECF No. 96). In a written order, the Court denied both parties’ motions. (ECF No. 102). Specifically, with regards to Defendants Eyenovia, Sean Ianchulev, and Dr. Mark Packer, the Court concluded “[t]here are genuine disputes of material fact as to whether the Defendants misrepresented or omitted facts regarding the WHISPER™ device’s engineering capabilities[.]” (*Id.* at 33).

Whereas Defendants contend the Court did not address Plaintiff's claims concerning common law fraud and deceit, negligent misrepresentation, breach of fiduciary duties, fraudulent transfer, constructive trust, and control person liability under Section 20(a) of the Securities Exchange Act of 1934, 15 U.S.C.S. § 78t(a). (ECF No. 103-23).

Whereas, the Court concludes that there is no "manifest errors of law or fact" or newly discovered evidence to warrant reconsideration of its prior order. *See Harsco Corp. v. Zlotnicki*, 779 F.2d 906, 909 (3d Cir. 1985).

IT IS on this 8 day of December, 2017,

ORDERED that Defendants' Motion for Reconsideration is DENIED.



PETER G. SHERIDAN, U.S.D.J.